APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,732	04/26/2005	Marcus Burgel	2002p16720WOUS	6472

7590   12/10/2008

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER
BLACK, LINH

ART UNIT	PAPER NUMBER
2169	

MAIL DATE	DELIVERY MODE
12/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/532,732	BURGEL ET AL.
	Examiner	Art Unit	
	LINH BLACK	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*10 September 2008*</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*7-14*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to the Applicants' response filed 9/10/08. Claims 7-

14 are pending in the application. Claims 7 and 11 are independent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Belfiore

et al. (US 6990513).

As per claims 7, 11, Belfiore et al. teach

providing compatibility between new and old versions of a schema that are used for

defining structures of object and/or data models for storage in a database - col. 12,

lines 15-67 (the schema and schema services component of the present invention

provides a foundation for interaction and collaboration on the server federation...the

schema component defines "core schemas" which are a minimal common schema that

defines only things that most applications will have in common. The core schemas are

extendible, such that new schemas describing significant data entities useful for

facilitating data interaction and collaboration may be defined and added to the core

schemas); col. 14, lines 23-65 (schema transformation services allow applications to

dynamically support new schemas by providing shared mechanisms to recognize data

and by transforming data in one schema to another schema (downward

compatible)...For XML, the schema recognizer service queries the schema store using a

standard storage query service to determine the schema type, using the XML

namespaces to narrow the list of possibilities. Examiner interprets the limitation

"another schema" is the new schema which derived from the version being translated);

col. 22, lines 27-45 (the event schema is extensible. A strong relationship model based

on inheritance allows backward (upward) compatible versioning. Event types have well-

defined characteristics based on a strong extensible type system. The model is

protocol independent described using standard XML vocabulary. In addition to event

schema, various services are modeled ...); col. 28, last paragraph (the data engine is

the heart of the storage component...Built on top of the data engine are various data

models such as XML data model, a relational data model...); "For XML, the schema

recognizer service queries the schema store using a standard storage query service to

determine the schema type..." - col. 14, lines 57-65, thus, schema type can be an

identification of the version to a first attribute of the old and new versions of the schema.

wherein such schemas describe data structures, each schema having a namespace,

type names, and element names – col. 13, lines 1-59; col. 14, lines 54-65 (The schema

recognizer service receives as input XML data or plain text. For XML, the schema

recognizer service queries the schema store using a standard storage query service to

determine the schema type, using the XML namespaces to narrow the list of possibility);

col. 22, lines 27-45 (the event schema is extensible…allows backward (upward)

compatible versioning. Event types have well-defined characteristics based on a strong

extensible type system).

maintaining the namespace, type names, and element names of each version of the

schema independent of the version – col. 3, lines 14-55 (schema is a set of rules or

standards that define how a particular type of data can be structured); col. 14, line 54 to

col. 15, line 17 (The schema recognizer service receives as input XML data or plain

text. For XML, the schema recognizer service queries the schema store using a

standard storage query service to determine the schema type, using the XML

namespaces to narrow the list of possibilities…Schema persisted in the schema store

290 may describe the applications, scripts, components, method bindings or data

sources that can be used to act on or represent a specific schema type. For example,

and application may provide a standard user interface to display data of specific

schema type…". Thus, schema's type, namespace are maintained and checked

instead of the version); col. 23, lines 30-39 (distributed subscriptions to the events in the

group are represented by objects in the distributed namespace provided by the directory

component).

allowing expansion of the types and elements while maintaining the respective type

names or element names – col. 12, lines 58-64 (the core schemas are extendible); col.

13, line 32 to col. 14, line 54 (downward compatible: by dynamically support new

schemas by providing shared mechanisms to recognize data and by transforming data

in one schema to another schema); col. 22, lines 27-45 (the event schema is

extensible…allows backward compatible versioning. Event types have well-defined

characteristics based on a strong extensible type system);

accepting without change unexpanded types and elements present in the old version of

the schema into the new version of the schema so that by maintaining the namespace,

type names, and element names the new and the old schema versions are both upward

compatible and downward compatible - col. 13, line 32 to col. 14, line 49 (a core

schema type is equivalent to an old version of the schema; downward compatible: by

dynamically support new schemas by providing shared mechanisms to recognize data

and by transforming data in one schema to another schema); col. 22, lines 27-45 (the

event schema is extensible…<u>allows backward (upward) compatible versioning. Event

types have well-defined characteristics based on a strong extensible type</u> system).

As per claims 8, 12, Belfiore teaches

wherein a calendar date indicative of the new or old version can be assigned via a

second attribute for each version of the schema – col. 12, lines 47-54; col. 42, lines 5-

25; col. 45, lines 7-18.

As per claims 9-10, 13-14, Belfiore teaches

wherein the old and new versions of the same schemas are described by an extensible

markup language – col. 13, line 32 to col. 14, line 65.

Response to Arguments

Applicant's arguments filed 9/10/08 have been fully considered but they are not

persuasive. Examiner explained further above where limitations are interpreted in

associating with the prior art. However, Examiner also considered Applicant's

arguments but the claims' limitations are broad and that the prior art does disclose the

claims' limitations. Belfiorre's teaching of "core schema" in cols. 13-14 can be

interpreted as an old version of schema, and "extended version" which can be in

different types of schemas being translated can be interpreted as a new version of

schema. Applicant is hereby notified that although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In*

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LINH BLACK whose telephone number is 571-272-

4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LINH BLACK
Examiner
Art Unit 2169

/HUNG Q. PHAM/
Primary Examiner, Art Unit 2169